



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

NEWINGTON TOWN COUNCIL MEETING

May 26, 2009

Mayor Wright called the meeting to order at 7:00 PM in the Helen Nelson Room of the Newington Town Hall.

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present

Councilor Banach
Councilor Boni
Councilor Bottalico
Councilor Bowen
Councilor Cohen
Councilor Lenares
Councilor Nagel
Councilor Nasinnyk
Mayor Wright

Staff Present

Town Manager Salomone
Ann Harter, Finance Director
Ed Meehan, Town Planner
Paul Boutot, Director of Information Systems

III AWARDS/PROCLAMATIONS

A Dr. Ernest L. Perlini, Superintendent of Schools – Retirement

Deputy Mayor Lenares moved the following:

WHEREAS, Ernest L. Perlini has lived in the Town of Newington since he was a young boy when he attended Southeast School (now the Ruth L. Chaffee School), and

WHEREAS, Ernest L. Perlini went on to receive a Bachelor of Arts degree from Parsons College, a Master's degree from the University of Hartford, and a Doctorate from Nova University; and

WHEREAS, Dr. Perlini has been employed in the Newington Public School System for 40 years, beginning his career in Newington as a Social Studies/English teacher at Martin Kellogg Middle School in 1969, where he was named Assistant Principal in 1973 and Principal in 1976; and

WHEREAS, Dr. Perlini was named Principal of Newington High School in 1980, followed by Assistant Superintendent of Schools in 1990 and Superintendent of Schools in 1993; and

WHEREAS, during his tenure, Dr. Perlini was responsible for founding the Williamsburg Field Trip Experience, implementing the Team Teaching Concept, developing the first Gifted Program in Newington, serving as the first President of the Central Connecticut Athletic Conference, and establishing an Honors level course sequence at Newington High School; and

WHEREAS, Dr. Perlini was also responsible for implementing the Strategic Planning process, developing and maintaining the District's performance appraisal and professional development programs, developing cooperative programs with colleges and universities, and ensuring all of Newington's schools maintained accreditation by the New England Association of Schools and Colleges; and

WHEREAS, during his term as Superintendent, a number of school building projects were undertaken, including the expansion of the Martin Kellogg, John Wallace, John Paterson and Anna Reynolds Schools and the renovation of Elizabeth Green and Ruth Chaffee Schools, as well as a number of improvements to the Newington High School and the Fieldhouse, and the introduction of computer technology school-wide; and

WHEREAS, Dr. Perlini is retiring from the Newington Public School System after 40 years of service to spend more time with his family and to pursue other endeavors;

NOW, THEREFORE, BE IT RESOLVED:

That the Newington Town Council, on behalf of the residents of Newington, hereby extends heartfelt appreciation to Dr. Ernest L. Perlini for his dedication to the young people of the Town of Newington, wishes him well in his retirement from the Newington Public School System, and offers best wishes to him and his family in the future.

Motion seconded by Councilor Bowen. Councilor Cohen stated that the proclamation was well deserved. Councilor Bowen noted that he would not be able to attend Dr. Perlini's dinner but stated that he holds him in high regard as an innovator, thanked him and wished him well. Deputy Mayor Lenares congratulated Dr. Perlini on his forty years of service, noting that it was a pleasure to serve with him for eight years on the Board of Education. Councilor Nasinnyk noted that Dr. Perlini has also been a member of the community for over forty years and stated that she has always been grateful for his willingness to consider and listen to the public's opinion. Councilor Nagel expressed appreciation for Dr. Perlini and the impact he has had on hundreds upon hundreds of students in the Town on an individual basis. Councilor Banach congratulated Dr. Perlini on the substantial impact he has had on Newington's students. Councilor Bottalico remarked that this last budget session was probably the most difficult of Dr. Perlini's career and stated that he did an excellent job. He wished Dr. Perlini well in his retirement. Mayor Wright noted that he would be speaking at Dr. Perlini's retirement dinner but expressed appreciation for his years of service.

Motion passed 9-0

IV PUBLIC PARTICIPATION – IN GENERAL

Maureen Klett – 104 Harold Drive: Mrs. Klett spoke about the Mayor's presentation regarding the Town center revitalization project. She noted the Mayor's potential vision of buildings of three or four stories high in the center and noted TPZ regulations that limit building heights to three stories. She stated that therefore constructing a four-story building would require the TPZ to change its regulations. She stated that these regulations would be contingent upon available parking and expressed concern that going more than three stories would require a possible need for off-site parking. Mrs. Klett inquired whether the Mayor intends to request that the TPZ change the regulations and if so, where the offsite parking could be located. She requested written correspondence to answer her questions.

Mady Kenny, 53 Crestview Drive: Mrs. Kenny also commented on the Mayor's presentation and stated that it was very polished and well done. She remarked, however, that it posed more questions than answers. She stated that she is against using eminent domain to obtain the property for the project, as it will be taken for speculation rather than for a purpose and she urged the Council to vote against hasty expenditures of non-existent funds. Mrs. Kenny noted that she had heard various figures for how much the project will actually cost, up to \$1.9 million dollars. She urged the Council to think about what it is doing and answer the important questions before it takes action.

V CONSIDERATION OF OLD BUSINESS

A. Approve Blighted List

Town Manager Salomone noted that a few properties that were on the original list do not appear on the list to be approved by the Council since the Town is working with those property owners to rectify the problems. He stated that the Town has been working on a new blight ordinance that would better protect the neighborhoods and would address issues not covered by the current ordinance such as occupied buildings and the Town's ability to enter blighted properties in order to clean up the property or rectify the issue. Town Manager Salomone stated that he had been cautiously optimistic about a resolution to the 21 Boulevard property; however the owner has become non-responsive and therefore the property does appear on the list.

Councilor Bottalico inquired whether the property on New Britain Avenue would appear on the list. Town Manager Salomone replied in the negative and explained that there is still an active building permit for the property. Councilor Bottalico noted that repairs are being performed on the property at this time. Councilor Boni noted that the former gas station on Fenn Road has been a problem for many years and inquired what the Town is doing to rectify the situation. Town Manager Salomone replied that while the property owner owes fines and back taxes, it probably would not be in the Town's best interest to take ownership of the property since it is the site of a former gas station. He stated that the Town will take court action regarding the fines. Councilor Boni inquired whether the owner has been sent an invoice for the fines. Town Manager Salomone replied in the negative but explained that the owner is aware of how much he owes. Councilor Boni inquired about the nearby Bond Clothiers billboard. Town Planner Ed Meehan explained that a recent survey indicated that the billboard is actually on a Town right of way, and stated that the owner of the building (no longer Bond Clothiers) has no problem with it being removed.

Councilor Bowen inquired about the timeframe for recommendations to improve the blight ordinance. Town Manager Salomone replied that there should be something available to the Council by July. Mayor Wright inquired whether properties could be added to the list more than once per year. Town Manager Salomone replied that it can be done but since it is a lengthy process to do so it is generally done only once per year.

Councilor Bottalico moved the following:

RESOLVED:

In accordance with Chapter 182 of the Newington Code of Ordinances, the Town Council hereby approves the list of blighted properties to be remedied under this ordinance as submitted by the Town Manager, John L. Salomone, and directs the Town Manager to take the necessary actions to bring these properties into conformance with the ordinance.

Motion seconded by Councilor Bowen. Motion passed 9-0.

B. Approve Amendments to the Classification and Pay Plan: New/Revised Job Description: Network Administrator/Project Leader, Network/Application Specialist, Computer/Application Specialist, Geographic Information Systems Technician

Councilor Bottalico moved the following:

RESOLVED:

The Newington Town Council hereby approves of amendments to the "Classification and Pay Plan" by approving a new/revised job/position description for Network Administrator/Project Leader (A-6), Network/Application Specialist (A-6), Computer/Application Specialist (A-5), and Geographic Information Systems (GIS) Technician (A-5) as recommended by the Town Manager in his capacity as Personnel Director.

Motion seconded by Councilor Boni.

Councilor Bowen noted that Councilor Boni had previously requested to see pay ranges for the jobs when a job description is to be revised. Town Manager Salomone replied that he will forward the information to the Councilors and include it the memos for future job description revisions. Councilor Nasinnyk inquired whether these are new positions being added to the IT department. Town Manager Salomone stated that these positions have been added within the budget approved by the Council and explained that while there will be one additional part-time employee added the budget will not increase.

Motion passed 9-0.

VI CONSIDERATION OF NEW BUSINESS

A. Town Hall Renovations Project – Authorize Project to go to Bid

Councilor Bottalico moved to waive the rules to vote on this item. Motion seconded by Councilor Bowen. Motion to waive the rules passed 9-0.

Councilor Bottalico stated that the Town Hall Project Committee has learned that Bob Korpak is ready to move forward with an RFP for the next phase of the project, the former police department area of Town Hall. He stated that this portion of the project will be broken up into three steps and the bids will determine how many of the steps will be performed at this time. Councilor Cohen requested to see project plans for this phase of the renovations. Town Manager Salomone explained that the phase concentrates on the lower level and consists to most of the basement level with the exception of the back area behind the police locker room. He stated that work will concentrate on the renovations necessary to complete the NCTV studio as well as a number of conference rooms. He stated that depending on the bids, there may be more conference rooms created south of the building entrance. Councilor Bottalico stated that the NCTV studio is the first priority due to the timeline involved with the senior housing construction and explained that the next step would be a new IT center and conference rooms, depending on the bid amounts. Councilor Bowen explained that there is a base bid for the NCTV area and conference rooms and two alternates including mechanical features and more space construction. Town Manager Salomone indicated that there are many infrastructure components involved with the project such as wiring and sprinklers.

Councilor Bowen indicated that Mr. Korpak is actually researching a grant that would cover the purchase of new equipment for NCTV, which may be a less expensive alternative than moving the existing equipment. Mayor Wright remarked that the NCTV move is on a tight schedule. Deputy Mayor Lenares inquired whether the bid amount is solely for the area to be occupied by NCTV. Councilor Bottalico replied in the affirmative. Deputy Mayor Lenares inquired whether the bid amount is to include any equipment for NCTV. Councilor Bottalico replied in the negative. Councilor Bowen stated that the bid includes all of the wiring and infrastructure needed for NCTV to operate. Town Manager Salomone stated that the bids include two conference rooms with the option for more. Councilor Nagel stated concern that the area might have moisture or dampness issues. Town Manager Salomone stated that all environmental concerns, including dampness, will be addressed and rectified. Councilor Bowen noted that Mr. Korpak has been working very closely with NCTV to ensure that it has a proper and functional facility.

Councilor Bottalico moved the following:

RESOLVED:

Pursuant to Chapter 8, Article X, Section 8-45, Project Building Committees, of the Newington Code of Ordinances, the Newington Town Council hereby approves the plans, specifications and project budget for the Town Hall Renovations Project (Phase II – lower level) as reviewed by the Town Council on May 26, 2009 and as approved by the Town Hall Renovations Project Building Committee on May 18, 2009 and authorizes the project to proceed to bid.

Councilor Cohen moved to amend the resolution by adding the wording “on May 18, 2009” to the resolution as indicated above. Motion seconded by Councilor Bowen. Motion to amend the resolution passed 9-0.

Motion seconded by Councilor Nagel. Motion passed 9-0.

B Municipal Parking Lot – Preliminary Site Plan – 8-24 Referral

Councilor Bottalico moved to waive the rules to vote on this item. Motion seconded by Councilor Boni.

Councilor Cohen inquired about the urgency of the resolution when the Council has just received the project plans for the first time. Mayor Wright replied that there are still many steps to follow and the Council will have multiple opportunities to discuss the plans. He noted that the resolution is simply for the 8-24 referral to the TPZ. Councilor Bowen also expressed concern about the urgency of the resolution and inquired whether the Development Commission or the Downtown Revitalization Committee is actually presenting these plans to the Council. Mayor Wright stated that Ed Meehan is going to present the plans on behalf of the Downtown Revitalization Committee. Councilor Bowen inquired whether there are members of the Committee present who will be presenting the plans. Mayor Wright replied that although there are Councilors who serve on the Committee Mr. Meehan will actually present the plans. Councilor Bowen expressed concern that normal procedures are not being followed and inquired as to why the resolution must be approved at the current meeting. Mayor Wright stated that the TPZ is meeting the following evening and bringing the referral to the TPZ at that meeting would keep the process moving forward. Councilor Bowen expressed concern with the process and the fact that it has been pushed through very quickly. He commented that according to his understanding of the process the Council owns the project since it is referring it to the TPZ and he noted that this is the first time the Council has seen the project plans. Councilor Bowen also noted that the item has already been added to the TPZ's agenda for the following evening, despite the fact that the Council has not approved of the referral. He stated that the normal procedure gives the Council and the public time to consider the item and noted that once the TPZ comes back with a positive recommendation on an 8-24 referral it is very rare for a project not to move forward as recommended. He remarked, therefore, that it is very important that the Council has the chance to take a good look at something it is going to own before it goes to the TPZ.

Councilor Cohen noted that the Downtown Revitalization Committee last met on February 9, 2009 and indicated that the plans are dated March 23; therefore it does not appear that the Committee has met to review the plans. She expressed concern with the urgency to bring the plans to the TPZ the following evening without a chance to review or discuss the plans. She expressed concern that the Town is not following ordinance or State statutes with this process. Councilor Banach agreed with Councilors Cohen and Bowen and inquired how the proposed property acquiring for the project will take place and whether the funding to do so is in addition to the \$1 million grant. He also noted concerns with fire apparatus accessibility to the area and inquired whether these concerns have been addressed. Mayor Wright noted that according to the Council's rules it must waive the rules to vote on any new business item; however, waiving the rules does not mean that the Council is required to vote on the item. He noted that the current discussion is to waive the rules in order to possibly vote on the item. Councilor Nasinnyk noted that the Council had waived the rules on the previous agenda item (Town Hall renovations) due to the very tight timeline of the project and indicated that previous Councils had always made an effort to determine whether it is truly important to waive the rules to vote on an item. She inquired about the urgency to vote on this item at the current meeting rather than at the next meeting in two weeks. Mayor Wright replied that there is no advantage to waiting two weeks to vote. He stated that the Council will have several more opportunities to discuss the project in the future and noted that the Council had just waived the rules to vote on the previous agenda item (Town Hall renovations) without debate. He indicated that there is a detailed project plan before the Council but remarked that it is not necessarily the final plan. He stated that it is appropriate to waive the rules and move forward at this point. Mayor Wright also stated that the Council is not in defiance of any Town ordinances with this process. He noted that the Town Hall project was just approved to go to bid, even though the Council has not reviewed the plans for that project. Councilor Bowen noted that the parking lot item is already on the TPZ agenda; which indicates that there were plans to push the item forward at the current Council meeting. He also noted that both he and the Council Majority Leader had felt that the Town Hall project agenda item should have gone on the agenda under old business, yet it was placed on the agenda under new business at the Mayor's insistence. He explained that Councilor Cohen's remark about Town ordinances actually referred to how the entire process has come forth in bringing the parking lot forward, not about waiving the rules at the current meeting to vote on the item. Councilor Cohen inquired whether Mr. Meehan could present the plans without waiving the rules to vote. Mayor Wright stated that as soon as the Council votes whether or not to waive the rules it can get to the actual discussion about the project plans.

Motion to waive the rules passed 5-4 (roll call vote)

Councilor Banach – no

Councilor Boni – yes

Councilor Bottalico – yes

Councilor Bowen – no

Councilor Cohen – no

Councilor Lenares – yes

Councilor Nagel - yes

Councilor Nasinnyk – no

Mayor Wright – yes

Town Planner Ed Meehan presented preliminary site plans and explained the process of the 8-24 referral to the TPZ. He explained that a concept plan was presented to the Downtown Revitalization Committee and the Development Commission in January and subsequent to that meeting and public comment the were changes to the concept plan to address technical issues such as turning radiuses for fire apparatus, and phasing questions and scenarios. The DEDC had the architect create turning templates and begin collecting information for soil borings. He explained that the turning templates were unsatisfactory and were therefore sent back to BL to be reworked. Mr. Meehan stated that the land survey was completed in mid-March and the plan dated March 23 includes the corrected turning radiuses and plan layout and BL was then requested to begin the drainage calculations. He noted that the Highway Department, Parks and Recreations Department and the Fire Marshall's office reviewed the plans from an operational point of view to get input on snow removal, irrigation, maintenance, etc. He stated that there were still issues with fire apparatus accessibility. He explained that the Fire Department's aerial truck was brought to the parking lot on April 30 and it was determined that the East side of the lot would not work on the BL plans, therefore the instructions to BL were to leave that entire area of the parking lot alone. Mr. Meehan explained that this evolved into the plans being presented at the present meeting. He noted that the Council voted on April 14 to seek to purchase the property on the westerly side of the parking lot, which would eliminate the need to break the project into phases and will yield 107 parking spaces and provide for a continuous draining and lighting system. He explained that the TPZ has seen the plans and remarked that the TPZ is not required to take action on the item at its next meeting. Mr. Meehan explained that the 8-24 referral is required for the property acquisition as well as to address the two easement areas on the lot. He stated that once the item goes through the TPZ it would come back to the Council for consideration and stated that BL has been requested to have a preliminary set of bid documents and a full set of drawings by July 3 with a full report and presentation to the Council in July. He noted that the public bid date could be then tentatively set for August 2, after which time the lowest qualified bidder would be referred to the DECD with a contractor selected in late August or early September. He stated that the plans before the Council are accurate as of May 20.

Councilor Bowen inquired about the earliest date that actual construction could start on the project. Mr. Meehan replied that with satisfactory bids the construction could begin in September or October. Councilor Bowen inquired whether there is concern with the timing and the seasonal closure of asphalt plants. Mr. Meehan stated that the timeline would be created to avoid such problems and the first part of the project will involve non-paving work in the fall and winter. Councilor Bowen inquired whether waiting two weeks to refer the project to the TPZ will actually have any effect on the project's timeline. Mr. Meehan stated that a two-week wait pushes the bid date out by two weeks. Councilor Bowen inquired whether the Council will serve the same function that the TPZ usually serves on a building project presented by someone from the public. Mr. Meehan explained that the TPZ will provide feedback in the areas of property acquisition, whether or not the plan follows the long-range vision of the area, whether or not the parking space count is adequate, and easements. Councilor Bowen indicated that the Council will make the final decision on whether or not the project will move forward and remarked that the Council has much less information to consider than what would normally be available to the TPZ. He inquired whether the plans before the Council are the latest plans. Mr. Meehan replied in the affirmative.

Councilor Bowen stated that he is in favor of updating the parking lot to make it more functional but remarked that he feels that the Town is spending too much money on the project. He remarked that it is unnecessary to build a green in the middle of a parking lot and expressed concerns over taking a property when he has not been convinced that there is a current need for that property. He requested that the Town Planner explain about the deed restrictions on the current lot property. Mr. Meehan explained that the deeds have gone back to the 1950's in which two families granted over 2.5 acres of land to the Town

for a municipal parking lot. He explained that the deeds clearly state that the land is to be for public use, and then there were subsequent donations and land swaps to add to the area. He stated that in the early 1980's the TPZ created zoning regulations that included certain frontage requirements and in the 1990s other property owners donated land to consolidate the northwest corner of the lot. He noted that all of the properties came with restrictions for public use: parking, access and circulation. Mr. Meehan explained that the State grant funding to be used towards the project comes with additional restrictions in that there will be a ten-year requirement that any improvements to the area be used for public parking purposes. Councilor Bowen inquired whether the green area is considered to be for public parking use. Mr. Meehan replied in the affirmative and explained that it is a landscape feature that will provide a functional storm water retention area beneath the green. Councilor Bowen inquired how many parking spaces would be taken up by the green. Mr. Meehan estimated that the green would take up about thirty spaces.

Councilor Banach inquired how Mr. Meehan would refer to the plan before the Council. Mr. Meehan replied that it is a preliminary site plan for the layout of parking aisles, travel ways, sidewalks, grading and drainage. He stated that the Council's vote on April 14 to acquire the property was vital to creating this plan. He explained that BL will need to quantify lighting, grading and concrete needs, create drainage calculations, landscape plans and maintenance estimates, all of which will be available to the Council in July. Councilor Banach inquired about whose purview it is to make corrections or catch errors on the plans. Mr. Meehan stated that various department heads, the Town Engineer and himself collaborate on the plans to catch errors and make suggestions. Councilor Cohen noted that the Council was never asked for its opinion as to whether it wants to include a green area in the parking lot and inquired whether the deeds require the property to be used for public use or for public parking. Mr. Meehan replied that various deeds require that the property be used for public parking or public use. Councilor Cohen inquired whether anyone has considered State statute 8-193 regarding eminent domain. Mr. Meehan stated that he has not looked at the statute but would presume that the Town Attorney has done so. Councilor Cohen suggested that Mr. Meehan look at the statute. Mayor Wright noted that Councilor Cohen had spoken to the Town Attorney on that issue. Councilor Cohen replied that she had brought it up some time ago and the Town Attorney indicated that the Town is "not using that statute" and she remarked that the Town cannot choose to not use a statute. Councilor Cohen explained that State statute 8-193 refers specifically how to handle the eminent domain process, including a public notification and hearing process as well as pricing requirements that require that the price paid be 125% of the average of the two appraisals, which would add cost to the project. She inquired how the project can go to the TPZ with plans that include an unresolved eminent domain issue. Mr. Meehan stated that the question before the TPZ is whether the project will be completed with the piece of property, and the mechanics of how that happens is the purview of the Council, not the TPZ.

Councilor Cohen inquired whether the grant funding will be received up front or whether the Town will be reimbursed for its expenditures. Town Manager Salomone replied that the Town can draw down funds for portions of the project and stated that the Town is in the process of requesting the draw down for the first portion of the project. Mr. Meehan elaborated that the Town will request ninety-day advances based on the project plan. Councilor Nasinnyk inquired whether the Downtown Revitalization Committee has approved the plan dated May 20. Mr. Meehan replied in the negative and elaborated that the Committee approved the concept and the layout of the parking lot, and then directed the staff to complete the plans. He stated that this presentation will commence the formal reviews of the plan and explained that BL has been instructed to put together draft plans during the month of June to have ready by July 2 to be brought before the Committee and the EDC and then back to the Council.

Councilor Bowen noted that when the Town acquired the Young Farm it cost much more than estimated. Mr. Meehan concurred but elaborated that it was a different situation involving a private developer and over fifty-acres of pristine land. Councilor Bowen noted that the Town Attorney had indicated that once the Town commits to acquire a property by eminent domain it is required to pay the price set for the property, regardless of how high that price turns out to be. Councilor Bowen noted that the TPZ has seen these concept drawings two times but the Council as a body is being asked to make a decision on plans that it is just seeing for the first time. He inquired about the obligations of the Council once the 8-24 referral has been approved by the TPZ. Mr. Meehan replied that the purpose of the 8-24 is to ask the TPZ if the plans fit in with its long-range plans for the Town's center, and stated that the Council has no obligation until it decides to put the project to bid. Councilor Bowen inquired whether the Council could decide to stop the project once it comes back from the TPZ. Mr. Meehan replied in the affirmative and stated that it becomes solely the Council's project once it goes through the TPZ. Councilor Bowen

inquired whether the Downtown Revitalization Committee is therefore done with its work. Mr. Meehan replied in the negative and explained that the Committee Chair can choose to convene regarding the plans because the project is still in the information-collecting stage.

Councilor Bowen noted that the current project budget is \$1 million and inquired the cost of the architect for the project. Mr. Meehan replied that that cost is \$117,000. Councilor Bowen inquired about the cost of the Bonelli property. Town Manager Salomone stated that while it has not been brought to court the estimated price is about \$230,000. Councilor Bowen noted that these costs will leave approximately \$650,000 of the original \$1 million for the remainder of the project and inquired how much of the construction can be done for \$650,000. Mr. Meehan replied that that is to be determined and indicated that draft bid documents and cost estimates have not yet been prepared and will follow. He stated that DECD will not allow the Town to go out to bid for a project that is over budget. Councilor Banach commented that the issue is not necessarily the parking lot but rather it is with the way that this process has unfolded and the way that the Council has been asked to push through a referral without time to fully consider the plans.

Mayor Wright remarked that the Town Planner, his staff, the Town Engineer and the Downtown Revitalization Committee did a great job and remarked that the overall plan looks fantastic. He stated that this is not a new idea and noted that the concept goes back to the 1970s when the studies began. He remarked that he is glad that the project is moving forward as it really sets the table for future economic development. He stated that the Committee unanimously agreed upon the idea of green space. He stated that it is time to move the project along. Councilor Cohen inquired whether the plan calls for public restrooms. Mr. Meehan replied in the negative.

Mr. Meehan presented the physical layout, design and engineering of the preliminary plan. (A copy of the plan is attached.) He addressed significant changes made since the concept plan including full access from Constance Leigh Drive, an existing island near the existing high-rise housing that is to remain as is, changes to sidewalks, drainage, turning radiuses, hydrant locations, traffic calming features and required easements as well as other features as shown on the attached plan. Councilor Bowen inquired whether the proposed green would add or decrease the cost of the project. Mr. Meehan replied that it would likely add to the cost of the project due to the cost of grading, materials, etc. Councilor Bowen inquired about the location of the Bonelli property on the plan. Mr. Meehan outlined the area on the plan. Councilor Bowen inquired about the plans to use decorative lighting. Mr. Meehan stated that the idea is to carry in the decorative lighting being used on Main Street into the lot for continuity and decorative purposes. Councilor Banach inquired whether there is any possibility of private development occurring in the lot. Mr. Meehan stated that due to deed restrictions and the acceptance of the State grant it must remain for public use. Councilor Bowen inquired about Mr. Meehan's recommendations in the event of a delay in acquiring the Bonelli property. Mr. Meehan replied that the Council would have to decide whether to go out to bid at that time or whether to consider bid alternates. Councilor Bowen expressed concern that the project will be delayed if the Town gets held up on the Bonelli property. Town Manager Salomone stated that the Town will acquire the land – the only dispute that may occur is the price, and stated that based on his discussions with the Town Attorney the acquiring will occur in a timely manner. He stated that hypothetically if the acquisition does not occur the Town will need to go back to the drawing board with the plans. Councilor Bowen noted that there have been concerns raised with Town's approach to acquiring the property.

Mayor Wright thanked Mr. Meehan for the presentation. He stated that the Bonelli property is vacant land that will be used for public parking. He stated that the Town is the biggest property owner in the area and stated that it is time to make progress and move in the right direction to encourage economic development. Councilor Bowen indicated that the Council has received a lot of information at the meeting and requested that the vote be postponed until the next Council meeting in order to give the Council and the public time to absorb the information as well as to give the public time to comment prior to being referred to the TPZ.

Councilor Bottalico moved the following:

RESOLVED:

Pursuant to Connecticut General Statutes Section 8-24, the Newington Town Council hereby refers to the Newington Town Plan and Zoning Commission the proposed improvements

to the Municipal Parking Lot, for the express purpose of providing a report to the Council as required under Section 8-24.

Motion seconded by Councilor Boni.

Councilor Bowen expressed disappointment that his suggestion to hold off on the vote was not discussed prior to reading the resolution. Councilor Nasinnyk stated that while she feels more comfortable with the project she stated that she would be better inclined to vote in favor of the resolution if the vote is held off until the public has the chance to comment. Councilor Cohen remarked that her concern has been mainly with the process rather than with the project itself and inquired whether the Council would agree to make an exception to the agenda to allow the public to comment on the item prior to the Council's vote. Mayor Wright stated that BL will still come back to the Council with cost estimates and noted that there have been a number of public hearings held by the DECD and the Development Commission and stated that the Council will have plenty of opportunity to speak to the Council on the item.

Motion passed 5 yes, 1 no, 3 abstain as indicated by roll call vote:

Councilor Banach – abstain

Councilor Boni – yes

Councilor Bottalico – yes

Councilor Bowen – abstain

Councilor Cohen – abstain

Councilor Lenares – yes

Councilor Nagel - yes

Councilor Nasinnyk – no

Mayor Wright – yes

C H1N1 Flu Update

Town Manager Salomone indicated that Paul Hutcheon, Director of the Central Connecticut Health District, has submitted an update regarding the H1N1 flu outbreak. Councilor Bowen requested that Mr. Hutcheon be invited to the next meeting for further discussion and updates. Town Manager Salomone replied that Mr. Hutcheon was not available to attend the current meeting and that he will invite him to attend the next meeting.

D Suspense List/Uncollectable Taxes

Finance Director Ann Harter explained that by State statute the Town can suspend certain taxes owed to the Town and write them off; however the Town may still attempt to collect the taxes. She indicated that the amount added to the list this year is \$89,078.89; last year's added amount was about \$96,000. Mayor Wright inquired about the purpose of suspending these taxes. Mrs. Harter replied that it is a technicality used to clean up the Town's outstanding list suspense list and again stated that the Town may still attempt to collect. Town Manager Salomone noted that most of the taxes on the list are motor vehicle taxes, which can be difficult to collect, especially if the owner moves out of State. He indicated that in the State the motor vehicle registration process could be refused if taxes are not paid on a vehicle. Deputy Mayor Lenares inquired whether the Town notifies the State of vehicles with unpaid taxes. Mrs. Harter replied in the affirmative. Town Manager Salomone elaborated that the vehicle must exist in order for that system to work, and it does not work for people who have moved out of State. He also noted that this applies only to that specific vehicle, so the owner can register another vehicle without a problem. Councilor Bowen inquired about the total suspense list at the current time. Mrs. Harter estimated that it is about \$100,000

E Appointment of Auditor

Town Manager Salomone stated that this is the third of three years that the Town will retain Blum Shapiro for auditing purposes but indicated that the State Department of OPM requires a formal appointment each year despite the fact that Blum Shapiro was appointed for three years.

F Purchase Offer of State-Owned Land (Berlin Turnpike)

Town Manager Salomone explained by law the State is obligated to offer the Town the right of first refusal to purchase State-owned property in the Town. He stated that the price is non-negotiable and indicated that Town Planner Ed Meehan has recommended that the Town waive its right to purchase the land. He indicated that the property is located on the Berlin Turnpike directly to the north of the former Krispy Kreme property and stated that while it might suit private development it is not advantageous for the Town to purchase it at this point. He stated the item would be up for Council consideration at an upcoming meeting.

VII RESIGNATIONS/APPOINTMENTS

- A Development Commission
1 Amend Resolution No. 2009-43, re: appointment term of Michal Gerhardt

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council hereby amends its Resolution No. 2009-43 to change the appointment term of Michael Gerhardt on the Development Commission to end 11/30/09 rather than 11/30/11.

Motion seconded by Councilor Bowen. Motion passed 9-0.

- B Appointments to Other Boards and Commissions

Councilor Bottalico moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

14. **Development Commission**

9 members, 3 alternates, 3 year term
Party Max.: 6
Remaining members: 2 Dem., 6 Rep.
Alternates: 2 Rep., 1 Dem.

Name	Address	Party	Term	Replaces
Dana Woods	1632 Willard Avenue	D	IMMED.-11/30/11	Vacant (M. Dowling res. 1/27/09)

17. **Town Plan and Zoning Commission**

7 members, 3 alternates, 4 year term
Maximum from one party: 5
Remaining members: 5 Rep., 2 Dem.
Alternates: 1 Rep., 1 Unaff.

Name	Address	Party	Term	Replaces
Alternate: Frank Aieta	595 Church Street	D	IMMED.-11/30/11	Vacant (F. Niro res. 4-1-09)

Motion seconded by Councilor Boni. Motion passed 9-0.

VIII TAX REFUNDS

Councilor Bowen moved the following:

RESOLVED:

That property tax refunds in the amount of \$103.19 are hereby approved in the individual amounts and for those named on the "Requests for Refund of an Overpayment of Taxes," certified by the Revenue Collector, a list of which is attached to this resolution.

Motion seconded by Councilor Nasinnyk. Motion passed 9-0.

IX MINUTES OF PREVIOUS MEETINGS

A. Public Hearing, Small Cities Grant, April 28, 2009

Councilor Nagel moved to accept the minutes of the Public Hearing, Small Cities Grant, April 28, 2009 as submitted. Motion seconded by Councilor Cohen. Motion passed 9-0.

B. Regular Meeting, April 28, 2009

Councilor Bottalico moved to accept the minutes of the Regular Meeting, April 28, 2009 as submitted. Motion seconded by Councilor Boni. Motion passed 9-0.

X WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

A. Town Manager Reports

Councilor Boni inquired about weekend overtime for the Parks and Grounds Department. Town Manager Salomone replied that there is some work to be done on the weekends, especially during rainy seasons. He indicated that he would get more information to Councilor Boni. Councilor Boni noted seeing employees working on a green at East Robbins Avenue on a Saturday last spring and stated that with the economy weekend overtime should not be used except in the event of an emergency.

Councilor Nagel inquired whether decisions have been made to fill the three open positions. Town Manager Salomone replied that the Highway Superintendant position has been filled internally, a person has been hired for the Executive Assistant position and the Special Events Coordinator position has been filled and the employee has started. Councilor Nagel requested an update on behalf of the Historical Society regarding window replacements. Town Manager Salomone replied that the Town is waiting for the windows to be delivered and will install them upon receipt. He stated that there will also be some siding and gutter work to be done as well. Councilor Nagel inquired whether any painting is planned. Town Manager Salomone replied that partial painting is being planned.

Deputy Mayor Lenares inquired about the status of the asphalt bids and about the status of the \$500,000 State grant for artificial turf. Town Manager Salomone stated that all State bids are in place for asphalt replacement and milling and paving is in the process of being scheduled. Deputy Mayor Lenares requested a list of roads to be repaired this year. Town Manager Salomone indicated that the Town has already been approved by the State for the artificial turf funding and stated that the Town has five years to utilize the funds. He noted that the Town is going to go out to RFP for a concept plan in order to get a budget estimate for the project. Councilor Bottalico stated that the Board of Parks and Recreations has discussed the condition of Clem Lemire field indicated that Midget Football has obtained quotes of between \$680,000 - \$750,000 for the field, not including lights, drainage, etc.

Councilor Bottalico expressed concern with the Fire Marshall's office, which performed an average of seven inspections per day last month, yet there are five Fire Marshalls on staff. Town Manager Salomone explained that four of the Fire Marshalls are part-time and inspections may take several hours. He indicated that the labor budget is not exceeded. Councilor Bottalico expressed concern that it took over a week for the Fire Marshall to look at the plans for the lower level of the Town Hall. Town Manager Salomone stated that the Fire Marshall reviewed the plans but it took more than one day for him to do so.

X COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Cohen reported that the Senior and Disabled Center is scheduled to celebrate its 25th Anniversary next year and is looking for suggestions on how to celebrate.

XI PUBLIC PARTICIPATION – IN GENERAL

Maureen Klett – 104 Harold Drive: Mrs. Klett cautioned the Council to take possible attorney's fees for the property acquisition into consideration when calculating the downtown revitalization project's cost, and noted that there was a very well-respected real-estate attorney present in the audience during the meeting. She also cautioned that the item could be tied up in court for years. She commented that Councilor Bottalico's comments regarding the Fire Marshall should have been taken up as a personnel matter with the Town Manager, not discussed publicly without the Fire Marshall present to defend himself.

Rose Lyons, 46 Elton Drive: Ms. Lyons stated that it is offensive to the public for the Council to approve the TPZ referral without allowing the public to address the Council on the plans. She questioned whether the Downtown Revitalization Committee has seen the plans for the project and cautioned the Council not to move forward based on assumptions about the Bonelli property. She noted the length of time it took to resolve the Young Farm property issue and stated that the Council's rush to move forward is disturbing. She thanked that Council members who stated why they voted the way they did and urged the others to state their opinion on the project sometime in the near future.

XII REMARKS BY COUNCILORS

Councilor Nasinnyk noted that Council Cohen had recently been honored by the Senior Center and she also congratulated the Girl Scouts for their recent projects and accomplishments.

Mayor Wright noted that the Relay for Life is coming up this weekend and noted the Chamber of Commerce is sponsoring a Cruise Night on June 11.

XIV EXECUTIVE SESSION RE: REAL ESTATE

Councilor Bowen moved to go into Executive Session at 10:02pm. Motion seconded by Councilor Bottalico. Motion passed 9-0. All Councilors and Town Manager Salomone were present.

Councilor Bowen moved to adjourn from Executive Session at 10:10pm. Motion seconded by Councilor Bottalico. Motion passed 9-0.

XV ADJOURNMENT

Councilor Bowen moved to adjourn the meeting at 10:10 pm. Motion seconded by Councilor Bottalico. Motion passed 8-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk of the Council